

Applicant: Hoogland
Application Serial No.: 10/511,567
Filing Date: July 5, 2005
Docket No.: 294-201 PCT/US

REMARKS/ARGUMENTS

The Office Action dated August 7, 2009 and the references cited therein have been carefully considered. In response to the Office Action, Applicant has amended the Drawings and Specification to address the informal objections set forth in the Office Action. Applicant has also amended Claims 1-4, 9-10, 13-14 and 17-18, withdrawn Claims 7 and 18, canceled Claims 15-16 and 19-21, and added new Claim 22, which, when considered with the remarks set forth below, are deemed to place the case with Claims 1-14, 17-18 and 22 in condition for allowance.

Election/Restriction

Claims 19-21 have been canceled as being drawn to a non-elected invention and Claims 7 and 18 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a non-elected species. Applicant respectfully submits that the amendment herein to generic Claim 1 places the claim in condition for allowance. Accordingly, Applicant requests reinstatement of Claims 7 and 18.

Drawing Objections

The drawings have been objected to for using reference numeral “12” to designate two different types of hinging elements and for using reference numeral “26” to designate both an axial line and a hinge element. In response, Applicant submits herewith “Replacement Sheets” for Figures 2, 6 and 16, which have been amended to include a new reference numeral --12’-- to designate the hinge element shown in Figures 6 and 16 and to include a new reference numeral --25-- to designate the axial line in Figure 2. Applicants have also amended the specification accordingly to include the new reference numerals. Accordingly, it is believed that the objections to the drawings have been overcome.

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Claim Rejections – 35 USC §112

Claims 1-6 and 8-18 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite. The grounds for each specific rejection to the claims are set forth in the Office Action.

In response, Applicants have amended Claims 1-4, 9-10, 13-14 and 17-18, and canceled Claims 15-16 to address each and every ground for rejection set forth in the Office Action. As a result, it is believed that the §112 rejections to the Claims have been overcome.

Claim Rejections – 35 USC §102 and §103

Further in the Office Action, Claims 1-6, 8-12 and 15-18 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,206,224, to Potts and Claims 13-14 have been rejected under 35 U.S.C. §103(a) as being unpatentable over the Potts patent in view of U.S. Patent No. 4,014,292 to Coughlin et al. In particular, the Examiner states that the Potts patent discloses a foldable container including hinge elements as defined in the claims.

In response, Applicant has amended Claim 1 to define a collapsible container manufactured in one piece through injection-molding from plastic. The container has sidewalls, a bottom and integrated hinges, wherein the sidewalls are pivotally connected to each other and to the bottom via the integrated hinges and wherein at least two sidewalls of the container are foldable. It is respectfully submitted that none of the cited references, taken alone or combined, teaches or suggests a collapsible container manufactured in one piece through injection-molding from plastic, as defined in amended independent Claim 1.

In particular, there is absolutely no mention in the cited Potts patent of injection-molding. Instead, the Potts patent discloses a shopping caddy system including a number of sidewalls connected to a flexible end wall and a flexible bottom. Importantly, it is noted that the panels of the Potts device are made from “pliable, flexible, nylon fabric.” Thus, the Potts patent clearly teaches away from an injection-molded container since this patent only discloses a structure having panels 116, 118 and a bottom wall 120 made of “fabric” and side panels 110, 114, 112 located in a “nylon casing.”

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Secondly, the Examiner has cited U.S. Patent No. 4,014,292 to Coughlin et al. in combination with the Potts patent in rejecting dependent Claims 13, 14. However, the Coughlin patent only relates to a collapsible and disposable sanitary pet litter container. There is absolutely no incentive at all to combine the pet litter container disclosed in the Coughlin patent with the “shopping caddy” disclosed in the Potts patent. Even if one skilled in the art were to make such a combination, the result would still only be a disposable carton made of sheet material. Thus, such combination would still not result in a collapsible container manufactured in one piece through injection-molding from plastic and having integral hinges, as defined in amended Claim 1.

Accordingly, it is respectfully submitted that amended Claim 1 and the claims that depend therefrom patentably distinguish over the prior art.

New Claim 22

Applicant has also added new Claim 22, which depends from Claim 2, and defines additional features of the present invention. In particular, new Claim 22 defines a collapsible container including first sidewalls, second sidewalls and a bottom in the form of rigid panels, wherein first and second hinging elements are defined by creases connecting the rigid panels, and wherein third hinging elements are defined by creases formed in the first sidewalls. It is respectfully submitted that none of the cited references, taken alone or combined, teaches or suggests a collapsible container including side walls, end walls and a bottom that are all rigid panels connected by hinges in the form of creases formed in the rigid panels, as defined in new Claim 22.

As discussed above, the Potts patent discloses a foldable caddy system including a number of “pliable, flexible, nylon fabric” walls and a bottom. This is in stark contrast with the invention of Claim 22, wherein the side walls, end walls and bottom are all rigid panels connected by hinges.

Moreover, the end walls, side walls and bottom defined in Claim 22 are all connected by hinges in the form of creases formed in the rigid panels, as shown in Figure 17 of the present application. There is absolutely no teaching or suggestion in the Potts patent of rigid

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panels injection molded in one piece from plastic and including hinges in the form of creases to connect the rigid panels, as defined in new Claim 22.

Accordingly, it is respectfully submitted that new Claims 22 patentably distinguishes over the prior art.

Conclusion

In view of the foregoing amendment and remarks, favorable consideration and allowance of the application with Claims 1-14, 17-18 and 22 are respectfully solicited. If the Examiner believes that a telephone interview would assist in moving the application toward allowance, he is respectfully invited to contact the Applicant's attorney at the telephone number listed below.

Respectfully submitted,

/steven t zuschlag/

Steven T. Zuschlag
Registration No.: 43,309
Attorney for Applicant

HOFFMANN & BARON, LLP
6900 Jericho Turnpike
Syosset, New York 11791
(516) 822-3550
STZ/mf
325801